UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DELVIN C. SAMUELS, II]	
Plaintiff,]	
]	
v.]	No. 3:15-0265
]	Senior Judge Haynes
METRO NASHVILLE GOVERNMENT,]	
et al.	j	
Defendants.]	

ORDER

Before the Court is a <u>pro se</u> prisoner complaint (Docket Entry No. 1) and his application to proceed *in forma pauperis* (Docket Entry No. 2).

From a review of his application, Plaintiff lacks sufficient financial resources from which to pay the fee required to file the complaint. Accordingly, Plaintiff's application to proceed *in forma* pauperis is **GRANTED**. 28 U.S.C. § 1915(a).

Plaintiff is herewith **ASSESSED** the civil filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the Plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

- (a) twenty percent (20%) of the average monthly deposits to the Plaintiff's inmate trust account; or
- (b) twenty percent (20%) of the average monthly balance in the Plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding

monthly income (or income credited to the Plaintiff's trust account for the preceding month), but only

when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred

fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk of Court.

28 U.S.C. § 1915(b)(2).

In accordance with the Memorandum filed herewith, this action is hereby **DISMISSED**

without prejudice for failure to state a claim upon which relief can be granted. 28 U.S.C. §

1915(e)(2). An appeal of the judgment rendered herein would not be taken in good faith, Coppedge

v. United States, 369 U.S. 438, 445-446 (1962). Therefore, the Plaintiff is **NOT** certified to pursue

an appeal of this judgment in forma pauperis. 28 U.S.C. § 1915(a)(3).

Nevertheless, should the Plaintiff decide to file a notice of appeal, he must either pay the

Clerk of Court the full appellate filing fee of five hundred five dollars (\$505.00) or submit a new

application to proceed in forma pauperis with a certified copy of his inmate trust account statement

for the previous six month period. 28 U.S.C. § 1915(a)(1); McGore v. Wrigglesworth, 114 F.3d 601

(6th Cir. 1997).

The Clerk is directed to send a copy of this order to the Sheriff of Davidson County to ensure

that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison

Litigation Reform Act relating to the payment of the filing fee.

Entry of this order shall constitute the judgment in this action.

It is so **ORDERED**.

ENTERED this the 6 day of Nation, 2015.

Senior United States District Judge

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